

**Fill in this information to identify the case:**Debtor name Joseph G. Kelley Construction Management, Inc.United States Bankruptcy Court for the: EASTERN DISTRICT OF NEW YORKCase number (if known) 16-70246☐ Check if this is an amended filing**Official Form 207****Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy**

12/15

The debtor must answer every question. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known).

**Part 1: Income****1. Gross revenue from business**☐ None.

Identify the beginning and ending dates of the debtor's fiscal year, which may be a calendar year

Sources of revenue  
Check all that applyGross revenue  
(before deductions and exclusions)**For prior year:**From 1/01/2015 to 12/31/2015☐ Operating a business☒ Other 2015: Business Operations\$6,796,883.00**For year before that:**From 1/01/2014 to 12/31/2014☐ Operating a business☒ Other 2014: Business operations\$9,488,098.00**For the fiscal year:**From 1/01/2013 to 12/31/2013☐ Operating a business☒ Other 2013: Business operations\$7,768,863.00**2. Non-business revenue**

Include revenue regardless of whether that revenue is taxable. *Non-business income* may include interest, dividends, money collected from lawsuits, and royalties. List each source and the gross revenue for each separately. Do not include revenue listed in line 1.

☒ None.

Description of sources of revenue

Gross revenue from  
each source  
(before deductions and exclusions)**Part 2: List Certain Transfers Made Before Filing for Bankruptcy****3. Certain payments or transfers to creditors within 90 days before filing this case**

List payments or transfers—including expense reimbursements—to any creditor, other than regular employee compensation, within 90 days before filing this case unless the aggregate value of all property transferred to that creditor is less than \$6,225. (This amount may be adjusted on 4/01/16 and every 3 years after that with respect to cases filed on or after the date of adjustment.)

☐ None.

Creditor's Name and Address

Dates

Total amount of value

Reasons for payment or transfer  
Check all that apply

Debtor **Joseph G. Kelley Construction Management, Inc.**Case number (if known) **16-70246**

| Creditor's Name and Address   | Dates      | Total amount of value | Reasons for payment or transfer<br><i>Check all that apply</i>  |
|---|------------|-----------------------|---|
| 3.1. American Express<br>P.O. Box 1270<br>Newark, NJ 07101                  | 12/18/2015 | \$35,194.58           | <input type="checkbox"/> Secured debt<br><input type="checkbox"/> Unsecured loan repayments<br><input type="checkbox"/> Suppliers or vendors<br><input checked="" type="checkbox"/> Services<br><input type="checkbox"/> Other___ |
| 3.2. American Express<br>P.O. Box 1270<br>Newark, NJ 07101                  | 11/10/2015 | \$12,658.86           | <input type="checkbox"/> Secured debt<br><input type="checkbox"/> Unsecured loan repayments<br><input type="checkbox"/> Suppliers or vendors<br><input checked="" type="checkbox"/> Services<br><input type="checkbox"/> Other___ |
| 3.3. Storch Amini Munves PC<br>140 East 45th Street<br>New York, NY 10017   | 11/6/2015  | \$20,000.00           | <input type="checkbox"/> Secured debt<br><input type="checkbox"/> Unsecured loan repayments<br><input type="checkbox"/> Suppliers or vendors<br><input checked="" type="checkbox"/> Services<br><input type="checkbox"/> Other___ |
| 3.4. Benenaula Construction LLC<br>P.O. Box 2684<br>East Hampton, NY 11937  | 11/5/2015  | \$32,355.00           | <input type="checkbox"/> Secured debt<br><input type="checkbox"/> Unsecured loan repayments<br><input checked="" type="checkbox"/> Suppliers or vendors<br><input type="checkbox"/> Services<br><input type="checkbox"/> Other___ |
| 3.5. Benenaula Construction, LLC<br>P.O. Box 2684<br>East Hampton, NY 11937 | 11/3/2015  | \$13,500.00           | <input type="checkbox"/> Secured debt<br><input type="checkbox"/> Unsecured loan repayments<br><input checked="" type="checkbox"/> Suppliers or vendors<br><input type="checkbox"/> Services<br><input type="checkbox"/> Other___ |
| 3.6. Benenaula Construction, LLC<br>P.O. Box 2684<br>East Hampton, NY 11937 | 12/3/2015  | \$1,800.00            | <input type="checkbox"/> Secured debt<br><input type="checkbox"/> Unsecured loan repayments<br><input checked="" type="checkbox"/> Suppliers or vendors<br><input type="checkbox"/> Services<br><input type="checkbox"/> Other___ |
| 3.7. Be-ta<br>P.O. Box 2684<br>East Hampton, NY 11937                       | 12/3/2015  | \$14,200.00           | <input type="checkbox"/> Secured debt<br><input type="checkbox"/> Unsecured loan repayments<br><input type="checkbox"/> Suppliers or vendors<br><input checked="" type="checkbox"/> Services<br><input type="checkbox"/> Other___ |
| 3.8. LGP Foundations, Inc.<br>134 Mariner Drive<br>Southampton, NY 11968    | 12/4/2015  | \$9,000.00            | <input type="checkbox"/> Secured debt<br><input type="checkbox"/> Unsecured loan repayments<br><input type="checkbox"/> Suppliers or vendors<br><input checked="" type="checkbox"/> Services<br><input type="checkbox"/> Other___ |

Debtor **Joseph G. Kelley Construction Management, Inc.**Case number (if known) **16-70246****4. Payments or other transfers of property made within 1 year before filing this case that benefited any insider**

List payments or transfers, including expense reimbursements, made within 1 year before filing this case on debts owed to an insider or guaranteed or cosigned by an insider unless the aggregate value of all property transferred to or for the benefit of the insider is less than \$6,225. (This amount may be adjusted on 4/01/16 and every 3 years after that with respect to cases filed on or after the date of adjustment.) Do not include any payments listed in line 3. *Insiders* include officers, directors, and anyone in control of a corporate debtor and their relatives; general partners of a partnership debtor and their relatives; affiliates of the debtor and insiders of such affiliates; and any managing agent of the debtor. 11 U.S.C. § 101(31).

☒ None.

| Insider's name and address<br>Relationship to debtor | Dates | Total amount of value | Reasons for payment or transfer |
|--|-------|-----------------------|---------------------------------|
|--|-------|-----------------------|---------------------------------|

**5. Repossessions, foreclosures, and returns**

List all property of the debtor that was obtained by a creditor within 1 year before filing this case, including property repossessed by a creditor, sold at a foreclosure sale, transferred by a deed in lieu of foreclosure, or returned to the seller. Do not include property listed in line 6.

☒ None

| Creditor's name and address | Describe of the Property | Date | Value of property |
|-----------------------------|--------------------------|------|-------------------|
|-----------------------------|--------------------------|------|-------------------|

**6. Setoffs**

List any creditor, including a bank or financial institution, that within 90 days before filing this case set off or otherwise took anything from an account of the debtor without permission or refused to make a payment at the debtor's direction from an account of the debtor because the debtor owed a debt.

☒ None

| Creditor's name and address | Description of the action creditor took | Date action was taken | Amount |
|-----------------------------|---|-----------------------|--------|
|-----------------------------|---|-----------------------|--------|

**Part 3: Legal Actions or Assignments****7. Legal actions, administrative proceedings, court actions, executions, attachments, or governmental audits**

List the legal actions, proceedings, investigations, arbitrations, mediations, and audits by federal or state agencies in which the debtor was involved in any capacity—within 1 year before filing this case.

☐ None.

| Case title<br>Case number  | Nature of case            | Court or agency's name and address       | Status of case  |
|--|---------------------------|--|---|
| 7.1. Robert Sahn v. Joseph G. Kelley Construction Management, Inc. | Confirm arbitration award | Supreme Court State of New York, Suffolk | <input type="checkbox"/> Pending<br><input type="checkbox"/> On appeal<br><input checked="" type="checkbox"/> Concluded |

**8. Assignments and receivership**

List any property in the hands of an assignee for the benefit of creditors during the 120 days before filing this case and any property in the hands of a receiver, custodian, or other court-appointed officer within 1 year before filing this case.

☒ None**Part 4: Certain Gifts and Charitable Contributions****9. List all gifts or charitable contributions the debtor gave to a recipient within 2 years before filing this case unless the aggregate value of the gifts to that recipient is less than \$1,000**☐ None

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|      | Recipient's name and address                                   | Description of the gifts or contributions | Dates given                        | Value              |
|------|--|---|------------------------------------|--------------------|
| 9.1. | <b>Building for HIM</b><br>P.O. Box 370<br>Wainscott, NY 11975 | <b>Charitable Donation</b>                | <b>1/28/14 -</b><br><b>6/12/15</b> | <b>\$11,157.28</b> |
|      | Recipients relationship to debtor<br><b>none</b>               |   |                                    |                    |

**Part 5: Certain Losses**

10. All losses from fire, theft, or other casualty within 1 year before filing this case.

☒ None.

| Description of the property lost and how the loss occurred | Amount of payments received for the loss   | Dates of loss | Value of property lost |
|--|--|---------------|------------------------|
|  | If you have received payments to cover the loss, for example, from insurance, government compensation, or tort liability, list the total received. |               |                        |
|  | List unpaid claims on Official Form 106A/B (Schedule A/B: Assets – Real and Personal Property).  |               |                        |

**Part 6: Certain Payments or Transfers**

11. Payments related to bankruptcy

List any payments of money or other transfers of property made by the debtor or person acting on behalf of the debtor within 1 year before the filing of this case to another person or entity, including attorneys, that the debtor consulted about debt consolidation or restructuring, seeking bankruptcy relief, or filing a bankruptcy case.

☐ None.

|       | Who was paid or who received the transfer?<br>Address                     | If not money, describe any property transferred | Dates             | Total amount or value |
|-------|---|---|-------------------|-----------------------|
| 11.1. | <b>Tarter Krinsky &amp; Drogin</b><br>1350 Broadway<br>New York, NY 10018 |   | <b>July, 2015</b> | <b>\$5,000.00</b>     |
|       | Email or website address<br><u>www.tarterkrinsky.com</u>                  |   |                   |                       |
|       | Who made the payment, if not debtor?                                      |   |                   |                       |
| 11.2. | <b>KGS, LLP</b><br>125 Jericho Turnpike<br>Jericho, NY 11753              |   | <b>8/20/2015</b>  | <b>\$5,000.00</b>     |
|       | Email or website address  |   |                   |                       |
|       | Who made the payment, if not debtor?<br><b>Seth Kelley</b>                |   |                   |                       |

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|       | Who was paid or who received the transfer?<br>Address                       | If not money, describe any property transferred | Dates           | Total amount or value |
|-------|---|---|-----------------|-----------------------|
| 11.3. | Tarter Krinsky & Drogin LLP<br>1350 Broadway, 11th Fl<br>New York, NY 10018 |   | September, 2015 | \$7,000.00            |

Email or website address  
www.tarterkrinsky.com

Who made the payment, if not debtor?

|       |  |  |               |            |
|-------|--|--|---------------|------------|
| 11.4. | Tarter Krinsky & Drogin LLP<br>1350 Broadway<br>New York, NY 10018 |  | January, 2016 | \$7,000.00 |
|-------|--|--|---------------|------------|

Email or website address  
www.tarterkrinsky.com

Who made the payment, if not debtor?  
Seth Kelley

#### 12. Self-settled trusts of which the debtor is a beneficiary

List any payments or transfers of property made by the debtor or a person acting on behalf of the debtor within 10 years before the filing of this case to a self-settled trust or similar device.

Do not include transfers already listed on this statement.

☐ None.

| Name of trust or device | Describe any property transferred | Dates transfers were made | Total amount or value |
|-------------------------|-----------------------------------|---------------------------|-----------------------|
|-------------------------|-----------------------------------|---------------------------|-----------------------|

#### 13. Transfers not already listed on this statement

List any transfers of money or other property by sale, trade, or any other means made by the debtor or a person acting on behalf of the debtor within 2 years before the filing of this case to another person, other than property transferred in the ordinary course of business or financial affairs. Include both outright transfers and transfers made as security. Do not include gifts or transfers previously listed on this statement.

☐ None.

| Who received transfer?<br>Address | Description of property transferred or payments received or debts paid in exchange | Date transfer was made | Total amount or value |
|-----------------------------------|--|------------------------|-----------------------|
|-----------------------------------|--|------------------------|-----------------------|

### Part 7: Previous Locations

#### 14. Previous addresses

List all previous addresses used by the debtor within 3 years before filing this case and the dates the addresses were used.

☐ Does not apply

| Address | Dates of occupancy<br>From-To |
|---------|-------------------------------|
|---------|-------------------------------|

### Part 8: Health Care Bankruptcies

#### 15. Health Care bankruptcies

Is the debtor primarily engaged in offering services and facilities for:

- diagnosing or treating injury, deformity, or disease, or
- providing any surgical, psychiatric, drug treatment, or obstetric care?

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- ☒ No. Go to Part 9.  
☐ Yes. Fill in the information below.

Facility name and address

Nature of the business operation, including type of services the debtor provides

If debtor provides meals and housing, number of patients in debtor's care

**Part 9: Personally Identifiable Information**

16. Does the debtor collect and retain personally identifiable information of customers?

- ☒ No.  
☐ Yes. State the nature of the information collected and retained.

17. Within 6 years before filing this case, have any employees of the debtor been participants in any ERISA, 401(k), 403(b), or other pension or profit-sharing plan made available by the debtor as an employee benefit?

- ☐ No. Go to Part 10.  
☒ Yes. Does the debtor serve as plan administrator?

- ☒ No Go to Part 10.  
☐ Yes. Fill in below:

**Part 10: Certain Financial Accounts, Safe Deposit Boxes, and Storage Units**

18. Closed financial accounts

Within 1 year before filing this case, were any financial accounts or instruments held in the debtor's name, or for the debtor's benefit, closed, sold, moved, or transferred?  
 Include checking, savings, money market, or other financial accounts; certificates of deposit; and shares in banks, credit unions, brokerage houses, cooperatives, associations, and other financial institutions.

☐ None

|       | Financial Institution name and Address  | Last 4 digits of account number | Type of account or instrument   | Date account was closed, sold, moved, or transferred | Last balance before closing or transfer |
|-------|---|---------------------------------|---|--|---|
| 18.1. | The Suffolk County National Bank<br>4 West Second Street<br>Riverhead, NY 11901 | XXXX-0                          | <input type="checkbox"/> Checking<br><input type="checkbox"/> Savings<br><input type="checkbox"/> Money Market<br><input type="checkbox"/> Brokerage<br><input checked="" type="checkbox"/> Other <u>Horn</u><br><u>Account; Balance:</u><br><u>\$0</u>           |  | \$0.00                                  |
| 18.2. | The Suffolk County National Bank<br>4 West Second Street<br>Riverhead, NY 11901 | XXXX-0                          | <input type="checkbox"/> Checking<br><input type="checkbox"/> Savings<br><input type="checkbox"/> Money Market<br><input type="checkbox"/> Brokerage<br><input checked="" type="checkbox"/> Other <u>Simons/Sanders</u><br><u>Account; Balance:</u><br><u>\$0</u> |  | \$0.00                                  |

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|       | Financial Institution name and Address  | Last 4 digits of account number | Type of account or instrument  | Date account was closed, sold, moved, or transferred | Last balance before closing or transfer |
|-------|---|---------------------------------|--|--|---|
| 18.3. | The Suffolk County National Bank<br>4 West Second Street<br>Riverhead, NY 11901 | XXXX-0                          | <input type="checkbox"/> Checking<br><input type="checkbox"/> Savings<br><input type="checkbox"/> Money Market<br><input type="checkbox"/> Brokerage<br><input checked="" type="checkbox"/> Other <u>Starker</u><br><u>Account; Balance:</u><br><u>\$0</u> |  | \$0.00                                  |

**19. Safe deposit boxes**

List any safe deposit box or other depository for securities, cash, or other valuables the debtor now has or did have within 1 year before filing this case.

☒ None

| Depository institution name and address | Names of anyone with access to it<br>Address | Description of the contents | Do you still have it? |
|---|--|-----------------------------|-----------------------|
|---|--|-----------------------------|-----------------------|

**20. Off-premises storage**

List any property kept in storage units or warehouses within 1 year before filing this case. Do not include facilities that are in a part of a building in which the debtor does business.

☐ None

| Facility name and address                              | Names of anyone with access to it | Description of the contents                             | Do you still have it?  |
|--|-----------------------------------|---|--|
| Despatch<br>229 Butter Lane<br>Bridgehampton, NY 11932 | Seth Kelley                       | Office equipment, furniture, and miscellaneous property | <input type="checkbox"/> No<br><input checked="" type="checkbox"/> Yes |

**Part 11: Property the Debtor Holds or Controls That the Debtor Does Not Own****21. Property held for another**

List any property that the debtor holds or controls that another entity owns. Include any property borrowed from, being stored for, or held in trust. Do not list leased or rented property.

☒ None**Part 12: Details About Environment Information**

For the purpose of Part 12, the following definitions apply:

*Environmental law* means any statute or governmental regulation that concerns pollution, contamination, or hazardous material, regardless of the medium affected (air, land, water, or any other medium).*Site* means any location, facility, or property, including disposal sites, that the debtor now owns, operates, or utilizes or that the debtor formerly owned, operated, or utilized.*Hazardous material* means anything that an environmental law defines as hazardous or toxic, or describes as a pollutant, contaminant, or a similarly harmful substance.

Report all notices, releases, and proceedings known, regardless of when they occurred.

**22. Has the debtor been a party in any judicial or administrative proceeding under any environmental law? Include settlements and orders.**☒ No.☐ Yes. Provide details below.

Debtor Joseph G. Kelley Construction Management, Inc.Case number (if known) 16-70246Case title  
Case numberCourt or agency name and  
address

Nature of the case

Status of case

23. Has any governmental unit otherwise notified the debtor that the debtor may be liable or potentially liable under or in violation of an environmental law?

- ☒ No.  
☐ Yes. Provide details below.

Site name and address

Governmental unit name and  
address

Environmental law, if known

Date of notice

24. Has the debtor notified any governmental unit of any release of hazardous material?

- ☒ No.  
☐ Yes. Provide details below.

Site name and address

Governmental unit name and  
address

Environmental law, if known

Date of notice

**Part 13: Details About the Debtor's Business or Connections to Any Business**

25. Other businesses in which the debtor has or has had an interest

List any business for which the debtor was an owner, partner, member, or otherwise a person in control within 6 years before filing this case. Include this information even if already listed in the Schedules.

- ☒ None

Business name address

Describe the nature of the business

Employer Identification number

Do not include Social Security number or ITIN.

Dates business existed

26. Books, records, and financial statements

26a. List all accountants and bookkeepers who maintained the debtor's books and records within 2 years before filing this case.

- ☒ None

Name and address

Date of service  
From-To

26b. List all firms or individuals who have audited, compiled, or reviewed debtor's books of account and records or prepared a financial statement within 2 years before filing this case.

- ☐ None

Name and address

Date of service  
From-To

26b.1. **KGS, LLC**  
**125 Jericho Turnpike**  
**Jericho, NY 11753**

**2014-2015**

26c. List all firms or individuals who were in possession of the debtor's books of account and records when this case is filed.

- ☐ None

Name and address

If any books of account and records are  
unavailable, explain why

26c.1. **Seth Kelley**  
**P.O. Box 3051**  
**Bridgehampton, NY 11932**

26d. List all financial institutions, creditors, and other parties, including mercantile and trade agencies, to whom the debtor issued a financial statement within 2 years before filing this case.



Debtor Joseph G. Kelley Construction Management, Inc.Case number (if known) 16-70246☒ None

Name and address

**27. Inventories**

Have any inventories of the debtor's property been taken within 2 years before filing this case?

☒ No☐ Yes. Give the details about the two most recent inventories.

Name of the person who supervised the taking of the inventory

Date of inventory

The dollar amount and basis (cost, market, or other basis) of each inventory

**28. List the debtor's officers, directors, managing members, general partners, members in control, controlling shareholders, or other people in control of the debtor at the time of the filing of this case.**

| Name          | Address                                  | Position and nature of any interest | % of interest, if any |
|---------------|--|-------------------------------------|-----------------------|
| Joseph Kelley | P.O. Box 3051<br>Bridgehampton, NY 11932 | President and Shareholder           | 50%                   |
| Seth Kelley   | P.O. Box 3051<br>Bridgehampton, NY 11932 | Vice President and Shareholder      | 50%                   |

**29. Within 1 year before the filing of this case, did the debtor have officers, directors, managing members, general partners, members in control of the debtor, or shareholders in control of the debtor who no longer hold these positions?**☒ No☐ Yes. Identify below.**30. Payments, distributions, or withdrawals credited or given to insiders**

Within 1 year before filing this case, did the debtor provide an insider with value in any form, including salary, other compensation, draws, bonuses, loans, credits on loans, stock redemptions, and options exercised?

☐ No☒ Yes. Identify below.

| Name and address of recipient                                  | Amount of money or description and value of property | Dates | Reason for providing the value  |
|--|--|-------|---------------------------------|
| 30.1 Seth Kelley<br>P.O. Box 3051<br>Bridgehampton, NY 11932   | \$112,344.06   |       | Annual Salary on a Weekly Basis |
| Relationship to debtor<br>Vice President / shareholder         |  |       |                                 |
| 30.2 Joseph Kelley<br>P.O. Box 3051<br>Bridgehampton, NY 11932 | \$120,469.10   |       | Annual Salary on a Weekly Basis |
| Relationship to debtor<br>President / shareholder              |  |       |                                 |

**31. Within 6 years before filing this case, has the debtor been a member of any consolidated group for tax purposes?**☒ No☐ Yes. Identify below.

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Name of the parent corporation

Employer Identification number of the parent corporation

32. Within 6 years before filing this case, has the debtor as an employer been responsible for contributing to a pension fund?

- ☒ No  
☐ Yes. Identify below.

Name of the parent corporation

Employer Identification number of the parent corporation

**Part 14: Signature and Declaration**

**WARNING** -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

I have examined the information in this *Statement of Financial Affairs* and any attachments and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 21, 2016/s/ Seth Kelley

Signature of individual signing on behalf of the debtor

Seth Kelley

Printed name

Position or relationship to debtor Vice PresidentAre additional pages to *Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy* (Official Form 207) attached?

- ☒ No  
☐ Yes